

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORWIN KYLE,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 1:20-cv-1030

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiff, proceeding pro se, initiated this action in October 2020 against the Michigan Department of Corrections (MDOC), his former employer; and the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW 6000), his former union. Plaintiff alleges four claims arising from the termination of his employment in October 2014: a First Amendment retaliation claim under 42 U.S.C. § 1983 (Count I) and three claims under Michigan law (Counts II–IV¹). Defendant MDOC filed a motion to dismiss based on the expiration of the applicable limitation periods. Plaintiff did not file a response to Defendant MDOC’s motion. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that this Court grant Defendant’s motion with regard to Plaintiff’s federal claim and decline to exercise supplemental jurisdiction over Plaintiff’s state-law claims. The matter is presently before the Court on Plaintiff’s objection to the Report and Recommendation.

¹ Plaintiff’s fourth count is misnumbered as “Count V” in the Complaint (ECF No. 1 at PageID.12).

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. Plaintiff's one-paragraph objection to the Report and Recommendation demonstrates his disagreement with the result recommended by the Magistrate Judge, but his submission does not identify any factual or legal error in the Magistrate Judge's analysis or conclusion. Accordingly, the Court denies the objections and adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. Because this Opinion and Order resolves all pending claims in this case, a Judgment will also be entered. *See* FED. R. CIV. P. 58. Therefore:

IT IS HEREBY ORDERED that the Objection (ECF No. 12) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 10) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED, for the reasons stated in the Report and Recommendation, that Defendant's Motion for Summary Judgment (ECF No. 4) is GRANTED IN PART to the extent that Plaintiff's federal claim in Count I is dismissed with prejudice, and otherwise DENIED IN PART without prejudice.

IT IS FURTHER ORDERED, pursuant to 28 U.S.C. § 1367(c)(3), that this Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claims in Counts II, III and IV.

Dated: August 24, 2021

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge